



9-15-06

IFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

15

Application Number

10/716,609

Filing Date

November 20, 2003

First Named Inventor

Balakrishnan SRIDHAR et al.

Art Unit

3663

Examiner Name

Ari M. Diacou

Attorney Docket Number

10.0605

**ENCLOSURES (Check all that apply)**

- ☐ Fee Transmittal Form  
☐ Fee Attached  
☒ Amendment/Reply (13 pages)  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
  
☐ Certified Copy of Priority Document(s)  
☐ Reply to Missing Parts/  
Incomplete Application  
☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)  
☐ Licensing-related Papers  
  
☐ Petition  
☐ Petition to Convert to a  
Provisional Application  
☐ Power of Attorney, Revocation  
Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_  
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC  
  
☐ Appeal Communication to Board  
of Appeals and Interferences  
  
☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)  
  
☐ Proprietary Information  
  
☐ Status Letter  
☒ Other Enclosure(s) (please identify  
below):

Remarks

Return Receipt Postcard  
Express Mail Certificate**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

DOUGHERTY CLEMENTS

Signature

Printed name

Christopher L. Bernard

Date

September 13, 2006

Reg. No.

48,234

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Barbara C. Brown

Typed or printed name

Barbara C. Brown

Date

September 13, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**EXPRESS MAIL CERTIFICATE**

Express Mail No.: - EV 907434125 US

Date of Deposit: - September 13, 2006

Type of Document(s): - Transmittal Form (PTO/SB/21)  
- Amendment and Response to Non-Final Office Action  
(13 pages)  
- Postcard Receipt

Application No.: - 10/716,609

Filed: - November 20, 2003

Applicant(s): - Balakrishnan SRIDHAR et al.

Title: - METHOD AND APPARATUS FOR OPTICAL  
AMPLIFYING DEVICE GAIN CONTROL  
WITH GAIN THRESHOLD

Examiner: - Ari M. Diacou

Art Unit: - 3663

Attorney Docket No.: - 10.0605

I hereby certify that the above-referenced documents are being/have been deposited with the United States Postal Service "Express Mail Post Office to Addressee" in accordance with 37 CFR 1.10 on the above-referenced date and are being/have been addressed to: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 USA.**

*Barbara C. Brown*

Barbara C. Brown  
North Carolina State Bar/Certified Paralegal

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                 |   |   |
|-----------------|---|---|
| Applicant(s)    | ) | Balakrishnan SRIDHAR et al.   |
| Application No. | ) | 10/716,609  |
| Filing Date     | ) | November 20, 2003   |
| Title           | ) | METHOD AND APPARATUS FOR OPTICAL<br>AMPLIFYING DEVICE GAIN CONTROL<br>WITH GAIN THRESHOLD |
| Examiner        | ) | Ari M. Diacou   |
| Art Unit        | ) | 3663  |

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450 USA

---

**AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION**

Dear Sir/Madam:

In response to the non-final Office Action mailed June 14, 2006, rejecting Claims 15-31 of the above-referenced Application, in which Claims 15-31 are pending (Claims 1-14 having been previously withdrawn in response to an election/restriction requirement), Applicants respectfully request that the following amendments be entered and remarks be considered, without prejudice or disclaimer to continued examination on the merits. In view of these amendments and remarks, Applicants submit that the Application is now in condition for allowance and respectfully request such action.